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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Ecuador, Ethiopia, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, San Marino, Slovakia, Slovenia, South Africa, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights¹ and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto,² in particular article 6 of the Covenant, which, *inter alia*, states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,³ the International Convention

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

³ Resolution 39/46, annex.



on the Elimination of All Forms of Racial Discrimination⁴ and the Convention on the Rights of the Child,⁵

Recalling in particular article 37 of the Convention on the Rights of the Child, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age,

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women,⁶ in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Aware of the need for special vigilance with regard to the vulnerable situation of children and juveniles, as well as women and girls, in detention,

Recalling the Guidelines for Action on Children in the Criminal Justice System⁷ and the establishment of a coordination panel on technical advice and assistance in juvenile justice,

Emphasizing that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of establishing the rule of law and promoting human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice,

Recalling its resolution 52/124 of 12 December 1997, and taking note of Commission on Human Rights resolution 1998/39 of 17 April 1998⁸ and Economic and Social Council resolution 1999/28 of 29 July 1999 on the administration of juvenile justice,

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative, mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Invites* Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel deployed in international field presences;

4. *Stresses* the special need for national capacity-building in the field of the administration of justice in post-conflict situations, in particular through reform of the judiciary, the police and the penal system;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

⁴ Resolution 2106 A (XX), annex.

⁵ Resolution 44/25, annex.

⁶ Resolution 34/180, annex.

⁷ Economic and Social Council resolution 1997/30, annex.

⁸ See *Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23)*, chap. II, sect. A.

6. *Invites* the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Calls upon* the United Nations High Commissioner for Human Rights, as well as mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion of human rights in the administration of justice and to provide, where appropriate, specific recommendations in this regard, including proposals for measures to provide advisory services and technical assistance;

8. *Takes note* of the increased attention to the issue of juvenile justice by the United Nations High Commissioner for Human Rights, and encourages further activities, within her mandate, in this regard;

9. *Encourages* the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, to continue to develop their activities in promoting human rights in the administration of justice ;

10. *Calls upon* the coordination panel on technical advice and assistance in juvenile justice to increase cooperation among the partners involved, to share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;

11. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;

12. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice, respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

13. *Decides* to consider the question of human rights in the administration of justice at its fifty-sixth session, under the item entitled "Human rights questions".